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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) M1909.1144

Application Number	Filed
10/574,664-Conf. #7638	March 31, 2006

First Named Inventor: Tsuneyuki Kikuchi

Art Unit	Examiner
2617	N. Mehrpour

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant /inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [ ] attorney or agent of record. Registration number _____
- [X] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. 38,586

Joseph W. Ragusa
Signature

Joseph W. Ragusa
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Telephone number

June 24, 2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of 1 forms are submitted.

Docket No.: M1909.1144
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tsuneyuki Kikuchi

Application No.: 10/574,664 Confirmation No.: 7638

Filed: March 31, 2006 Art Unit: 2617

For: WIRELESS LINE SHARING NETWORK SYSTEM, AND ADMINISTRATIVE APPARATUS AND METHOD THEREOF Examiner: N. Mehrpour

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Applicant respectfully requests a review of the legal and factual bases for the rejections in the above-identified patent application. Pursuant to the guidelines set forth in the Official Gazette Notice of July 12, 2005, for the Pre-Appeal Brief Conference Program, as extended by Official Gazette Notice of February 7, 2006, favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

Claims 1-4, 6-12, 14-20 and 22-26 are pending. Claims 1, 10, 18, and 26 are the only independent claims.

Claims 1-4, 6-12, 14-20 and 22-26 were rejected under 35 U.S.C. § 103 over U.S. Patent Publication No. 2003/87643 (Mazzara) in view of U.S. Patent Publication No. 2005/0048985 (Haartsen). Applicant respectfully submits that the rejection of these claims is improper for the reasons set forth in detail below.

Claim 1 recites, inter alia, a bandwidth change means for sequentially changing bandwidths allocated to call connected user terminals so that the used bandwidth of each of the communication carriers is in a predetermined range based on at least the carrier band information, the carrier use condition information and user use condition information indicating the current use conditions of the call connected ones of the user terminals.

Mazzara shows a wireless line sharing network. It was conceded in the Office Action that Mazzara does not teach the recited bandwidth change means. Paragraphs [0019] and [0020] of Haartsen were cited in the Office Action as allegedly providing this feature. Applicant disagrees.

The cited paragraphs of Haartsen state:

> "[0019] In one aspect, the invention provides, in a communication system that implements communication links between a multi-radio base station and a plurality of remote terminals, wherein each remote terminal requests a particular bandwidth ratio, a method of allocating slots in the communication links comprising the steps of: (a) sequentially assigning, in descending order based upon the respective remote terminal's required bandwidth ratio, remote terminals to an available base station radio, and (b) after the available base station radios have been assigned a first remote terminal, assigning the remaining remote terminals, in descending order based upon the respective remote terminal's required bandwidth ratio, to the base station radios in the reverse sequence implemented in step (a).
>
> [0020] In another aspect, the invention provides, in a communication system that implements communication links between a multi-radio base station and a plurality of remote terminals, wherein each remote terminal requests a particular bandwidth ratio, a method of allocating slots in the communication links comprising the steps of: (a) determining the minimum number of base station radios required to support the remote terminals' transmission requirements, and (b) sequentially assigning, in descending order based upon the respective remote terminal's required bandwidth ratio, remote terminals to an available base station radio selected from the minimum number of base station radios calculated in step (a), and (c) after the available base station radios have been assigned a first remote terminal, assigning the remaining remote terminals, in descending order based upon the respective remote terminal's required bandwidth ratio, to the base station radios in the reverse sequence implemented in step (b)."

Paragraphs [0019] and [0020] of Haartsen relate to the base station, making use of multiple base station radios, accommodating requested bandwidth ratios of individual remote

terminals. The system sequentially assigns, based on the remote terminal's requested bandwidth ratio, remote terminals to a particular base station radio of the base station.

This is not the same as the recited feature of claim 1 discussed above, in at least two respects. First, the cited paragraphs of Haartsen relates to *bandwidth ratios*, and not bandwidths, and there is no teaching at all of sequentially changing bandwidths, as recited in claim 1. Second, Haartsen's system *accommodates* the bandwidth ratio *requirements of the remote terminal* by assigning an appropriate base station radio to the remote terminal based on the required bandwidth ratio. Whereas in the feature of claim 1 discussed above, the bandwidths allocated to call connected user terminals are sequentially changed.

From the foregoing it is clear that the cited portions of Haartsen contain no teaching or remote suggestion of sequentially changing bandwidths allocated to call connected user terminals at all, still less doing so such that the used bandwidth of each of the communication carriers is in a predetermined range based on at least the carrier band information, the carrier use condition information and user use condition information indicating the current use conditions of the call connected ones of the user terminals, as recited in claim 1.

Thus, even when combined, Mazzara and Haartsen do not teach or suggest all of the features of claim 1. For at least this reason, claim 1 is believed patentable over the cited art. The other independent claims recite a substantially similar feature and are believed patentable for substantially similar reasons.

In the Advisory Action issued on June 4, 2009, continuation sheets were included that purported to respond to the arguments presented above. However, applicant does not understand the lengthy remarks to actually address the issues discussed above concerning the deficiency of the cited passages of Haartsen as against the recited features of the independent claims.

The dependent claims are believed patentable for at least the same reasons as their respective base claims.

In view of the foregoing, Applicant respectfully submits that the pending claims are patentable over the cited references. Furthermore, Applicant respectfully requests that the pending rejections be withdrawn and a Notice of Allowance issued.

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2215.

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. 1.135. The fee under 37 C.F.R. 1.17 should be charged to our Deposit Account No. 50-2215.

Dated: June 24, 2009

Respectfully submitted,

By _____
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